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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 DENNIS ALCANTAR,

7 Plaintiff,

8 v.

9 HOME DEPOT USA, INC.,

10 Defendant.

Case No. 2:19-cv-00711-RFB-DJA

11 **ORDER**

12 This matter is before the Court on Plaintiff Dennis Alcantar's Motion to Substitute Party
13 and Amend Complaint (ECF No. 19), filed on October 22, 2019. Any response by Defendant
14 was due by November 5, 2019. No response has been filed to date. Accordingly, Defendant's
15 failure to file points and authorities in response to the Motion "constitutes a consent to the
16 granting of the motion." Local Rule 7-2(d). The Court also reviewed the Motion and finds good
17 cause to permit the substitution and amendment.

18 Rule 15(a)(2) of the Federal Rules of Civil Procedure, regarding the amendment of
19 pleadings, directs that "[t]he court should freely give leave when justice so requires." The Ninth
20 Circuit Court of Appeals has repeatedly cautioned courts in this circuit to "liberally allow a party
21 to amend its pleading." *Sonoma Cnty. Ass'n of Ret. Emps. v. Sonoma Cnty.*, 708 F.3d 1109, 1117
22 (9th Cir. 2013). "Courts may decline to grant leave to amend only if there is strong evidence of
23 'undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure
24 deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue
25 of allowance of the amendment, or futility of amendment, etc.'" *Id.* at 1117 (*quoting Foman v.*
26 *Davis*, 371 U.S. 178, 182 (1962)).

27 Here, Plaintiff filed the instant Motion prior to the expiration of the deadline to amend
28 pleadings or add parties set for October 15, 2019. (ECF No. 15). Plaintiff represents that it

1 learned of the identity of the placeholder DOE Defendant Employee I in discovery recently and
2 wishes to substitute Johnathan Plascencia.

3 IT IS THEREFORE ORDERED that Plaintiff Dennis Alcantar's Motion to Substitute
4 Party and Amend Complaint (ECF No. 19) is **granted**.

5 IT IS FURTHER ORDERED that Plaintiff shall file and serve the amended pleading in
6 accordance with Local Rule 15-1.

7
8 DATED: November 20, 2019



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE